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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

NATIONSTAR MORTGAGE LLC and
FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiffs,

vs.

CANYON WILLOW TROP OWNERS'
ASSOCIATION; NEVADA ASSOCIATION
SERVICES, INC.; SUSAN PATCHEN; THE
EAGLE AND THE CROSS, LLC; and A
ACCOUNTABLE CARPET CARE,

Defendants.

Case No.: 2:17-cv-01581-APG-DJA

**STIPULATION AND ORDER DISMISSING
CLAIMS AGAINST CANYON WILLOW
TROP OWNERS' ASSOCIATION**

Plaintiffs Nationstar Mortgage LLC and Federal National Mortgage Association (**Fannie Mae**) and defendant Canyon Willow Trop Owners' Association (**Canyon**), through their undersigned counsel, stipulate as follows:

1. This matter relates to real property located at 5710 East Tropicana Avenue #1031, Las Vegas, Nevada 89122, APN 161-21-811-001 (**Property**), more specifically described as:

Parcel One (1):

One (1) Allocated Interest (except association property) as tenant(s) in common in the common elements within Phase 2A of Canton Willow East Unit 2A as shown by map thereof on file in Book 82 of Plats, Page 57 in the office of the County Recorder of Clark County, Nevada. As phases are annexed the allocated interest

1 for each unit will be a fraction, the numerator of which will be one (1), and the
2 denominator of which will be the total of all units in all phases that become
subject to the declaration.

3 Excepting therefrom all units in all residential buildings and designated exclusive
4 use easements as shown upon the plat referred to above.

5 And reserving therefrom the right to possession of all those areas designated as
6 limited common elements as shown upon the plat referred to above.

7 And further reserving therefrom for the benefit of owners in future development,
8 non-exclusive easements on and over the common areas and private streets as
9 defined and shown upon the plat referred to above for ingress, egress and
10 recreational use, subject to the terms and as more particularly set forth in the
11 declaration of covenants, conditions, and restrictions for Canyon Willow East
Unit 1 ("Canyon Willow Trop"), a condominium development recorded March 5,
1998 in Book 980305 as Document No. 01720, as the same may from time to
time be amended and/or supplemented in the office of the County Recorder of
Clark County, Nevada.

12 Parcel Two (2):

13 Living Unit 1031 in Building 9 of Canyon Willow East Unit 2A as shown by the
14 map thereof on file in Book 82 of plats, Page 57 in the office of the County
Recorder of Clark County, Nevada.

15 Parcel Three (3):

16 The exclusive right to use, possession and occupancy of those portions of the
17 limited common elements as described in the declaration and as shown upon the
plat referred to above.

18 Parcel Four (4):

19 A non-exclusive easement for ingress, egress and recreation use, on and over the
20 common areas and private streets of Canyon Willow East Unit 2A as shown by
21 map thereof on file in Book 82 of plats, Page 57 in the office of the County
Recorder of Clark County, Nevada and future units, which easement is
22 appurtenant to Parcels One (1), Two (2) and Three (3) described above.

23 2. Nationstar, on behalf of Fannie Mae, is the beneficiary of record of a deed of trust
24 recorded against the Property with the Clark County Recorder on November 16, 2005, as Instrument
25 No. 20051116-0005420 (**Deed of Trust**), executed by Diana L. White to secure a promissory note in
26 the original principal amount of \$80,000.

27 3. On February 28, 2013, Canyon recorded a foreclosure deed with the Clark County
28 Recorder, as Instrument No. 201302280002655 (the **HOA Foreclosure Deed**), reflecting that Susan

1 Patchen acquired the Property at a foreclosure sale of the Property held February 22, 2013 (the **HOA**
2 **Foreclosure Sale**).

3 4. On June 6, 2017, Nationstar and Fannie Mae initiated a quiet title action related to the
4 Property in the United States District Court for the District of Nevada, Case No. 2:17-cv-01581-
5 APG-DJA (the **Quiet Title Action**).

6 5. Nationstar, Fannie Mae, and Canyon have entered into a confidential settlement
7 agreement in which they have settled all claims between them in this case.

8 6. Among other things in the settlement agreement, Canyon agrees it no longer has an
9 interest in the Property for purposes of the Quiet Title Action *vis a vis* the Deed of Trust. This
10 disclaimer of interest does not apply to the continuing encumbrance of Canyon's declaration of
11 covenants, conditions and restrictions, any governing documents adopted thereunder, easements,
12 servitudes, or other interests on the Property. Canyon agrees it will take no position in this action or
13 in any subsequent action regarding whether the Deed of Trust survived the HOA Foreclosure Sale.
14 The Parties agree that as between Canyon, Nationstar, and Fannie Mae, the Deed of Trust was not
15 extinguished by the HOA Foreclosure Sale.

16 7. Among other things in the settlement agreement, Nationstar, Fannie Mae and Canyon
17 agree that Nationstar and Fannie Mae do not waive their right to seek relief against the non-settling
18 Parties, including but not limited to Susan Patchen, the Eagle and the Cross LLC, and A
19 Accountable Carpet Care related to their remaining claims in the Quiet Title Action. Nationstar and
20 Fannie Mae do not admit the Deed of Trust was extinguished, and any consideration exchanged in
21 exchange for the dismissal of the claims against Canyon is not intended to be compensation for any
22 loss of the Deed of Trust, but instead compensates for fees and costs Nationstar and Fannie Mae
23 incurred litigating the propriety and effect of Canyon's sale and related conduct.

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8. Nationstar, Fannie Mae and Canyon further stipulate and agree all claims between them are dismissed with prejudice, with each party to bear its own attorney's fees and costs.

DATED: December 19, 2019.

AKERMAN LLP

LIPSON NEILSON, P.C.

/s/ Tenesa S. Powell

/s/ Megan H. Hummel

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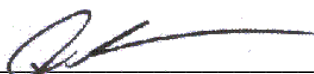
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IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE

Dated: December 20, 2019.